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**Office of the City Attorney**

July 22, 2019

**Via CMRRR: 7012 3460 0003 2790 1137**

Freddy Martinez (*Requestor*)

MUCKROCK NEWS

DEPT MR 76809

411A Highland Ave.

Somerville, MA 02144-2516

**Re: Open Records Request (Our File No. 2504)**

Dear Mr. Martinez:

The City of Lubbock ("City") has received your request for information pertaining to third-party proprietary information regarding facial recognition technology. As some of this information may be confidential, the City has written to the Texas Attorney General. If you wish to submit an opinion as to this matter, you may write to the Attorney General at the following address:

Honorable Ken Paxton  
Attorney General  
Open Records Division  
P. O. Box 12548  
Austin, TX 78711-2548

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy L. Sims".

Amy L. Sims  
Deputy City Attorney

ALS:dm

Enclosure (w/o Exhibits)

cc: Office of the Attorney General  
Open Records Division  
P.O. Box 12548  
Austin, Texas 78711-2548

# EXHIBIT A

## Dannie Mason

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**From:** [REDACTED]  
**Sent:** Monday, July 8, 2019 3:15 PM  
**To:** Open Records Request  
**Subject:** Texas Public Information Act Request: Facial Recognition - Lubbock (TX)

Lubbock Police Department  
Texas Public Information Act Office  
P. O. Box 2000  
Lubbock, TX 79457

July 8, 2019

To Whom It May Concern:

Pursuant to the Texas Public Information Act, I hereby request the following records:

Records and materials related to the solicitation, acquisition, and use of face recognition technology and related software and services.

This software or services may be provided by Rekognition, Face++, and FaceFirst; this request is applicable to these and any other company providing facial recognition services under consideration or contract with this agency.

Responsive materials include but are not limited to:

- Agreements: contracts (including non-disclosure agreements), licensing agreements, nondisclosure agreements
- Bid records: Requests For Proposal (or equivalent calls for bids), sole source or limited source justification and approval documentation, documentation of selection, and other materials generated in the consideration and selection of the technology in question
- Company relations and communications: records related to meetings or follow-up actions with any vendors, companies, or other private entities marketing face recognition to this agency for immigration, intelligence, law enforcement, or other use.
- Financial records: purchase orders, invoices, and other memoranda and documentation.
- Marketing records: All marketing materials - unsolicited, requested, or otherwise - acquired from vendors of face recognition technology
- Policy records: any policy directives, guidance documents, memoranda, training materials, or similar records governing the use of face recognition technology for immigration, law enforcement, or other purposes. Any memoranda of understanding between this agency and other agencies to share data, access remote systems or other forms of information sharing with external agencies.
- Training records: training material governing the use, sharing, or access to any related data related to or collected by the face recognition software/technology, including the legal standard that is required before using the technology. Documents, should they exist, about training for bias in the use of facial recognition technology.
- Use and function records: Materials that describe the function of the software considered or in use by this agency, including emails, handouts, PowerPoint presentations, advertisements, or specification documents.
- Validation and accuracy: Records, reports, audits, and other documents sufficient to describe validation, accuracy, reliability, and policy compliance of the system.

Please limit the search to records produced from January 1, 2017 – present. Please include in your search as responsive records: communications, memorandums, background papers, meeting minutes, email exchanges, or presentation materials. If your office has questions about this request, please feel free to direct them to the address associated with this request or call the MuckRock office at 617-299-1832.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Freddy Martinez

Filed via MuckRock.com

E-mail (Preferred): [REDACTED]

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Flubbock-police-department-5234%252Ffacial-recognition-lubbock-tx-76809%252F%253Femail%253Dorr%252540mylubbock.us&url\\_auth\\_token=AAAdfGwiNzOoWzroFCuB4KWEIW](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Flubbock-police-department-5234%252Ffacial-recognition-lubbock-tx-76809%252F%253Femail%253Dorr%252540mylubbock.us&url_auth_token=AAAdfGwiNzOoWzroFCuB4KWEIW)

A%3A1hka2U%3AAMH8nYNuPkRBy8qlMZLhuWtCXgs  
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 76809  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

**WARNING: This message was sent from outside the City of Lubbock's email system.  
It could contain harmful attachments or links to harmful web pages.**



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**Office of the City Attorney**

July 22, 2019

Via CMRRR: 7012 3460 0003 2790 1120

Honorable Ken Paxton  
Attorney General  
Open Records Division  
P. O. Box 12548  
Austin, Texas 78711-2548

**Re: Public Information Decision Request (Our File No. 2504)**

Dear Mr. Paxton:

Enclosed please find a request received by the City of Lubbock ("City") on July 8, 2019, pertaining to third-party proprietary information regarding facial recognition technology. The request is enclosed herein as **Exhibit A**. The City has not yet released any of the requested information because some of the Act's exceptions may apply.

The City is raising the following exceptions in its request:

Section 552.101 (exception for information considered to be confidential by law);

Section 552.107 (exception for certain legal matters; information within the attorney-client privilege);

Section 552.108 (certain law enforcement and prosecutorial information);

Section 552.110 (exception pertaining to trade secrets);

Section 552.111 (exception pertaining to agency memoranda);

Section 552.122 (exception pertaining to test items);

Section 552.130 (exception for motor vehicle records; driver's license and license plate numbers, vehicle identification and registration numbers);

Section 552.136 (exception for information considered access device numbers);

Section 552.137 (exception for certain email addresses); and

Section 552.305 (exception for information involving privacy or property interests of a third party).

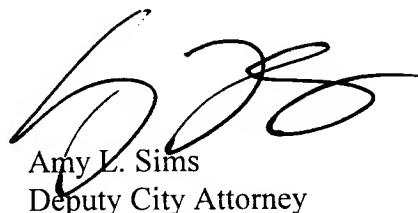
Honorable Ken Paxton  
Attorney General  
July 22, 2019  
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**Section 552.305** (exception for information involving privacy or property interests of a third party)

The City is initially raising the following argument in regard to the instant request (*see Exhibit A*): The Requestor has asked for information the City believes is protected from disclosure by Section 552.305 — information involving privacy or property interests of a third party. Pursuant to Section 552.305, the City believes the information may contain third-party proprietary information. The City defers to the third party as to the relevance of this section. The City has notified such third party of this request as indicated in **Exhibit C** enclosed herein.

Thank you very much for your consideration of these matters. A formal brief will follow via mail to your office explaining the remaining relevant exceptions raised along with copies of the information at issue. In addition, copies of the brief will follow both to the Requestor and to the involved third party. Please do not hesitate to call or write if you need information with regard to this request for a decision.

Yours truly,



Amy L. Sims  
Deputy City Attorney

ALS:dm  
Enclosures: Exhibits A and C

cc: w/Encl. Exhibit A—Redacted

**Via CMRRR: 7012 3460 0003 2790 1137**  
Freddy Martinez (Requestor)  
MUCKROCK NEWS  
DEPT MR 76809  
411A Highland Ave.  
Somerville, MA 02144-2516

**Via CMRRR: 7012 3460 0003 2790 1144**  
VIGILANT SOLUTIONS, LLC  
**Attn: Sales Administration**  
1152 Stealth Street  
Livermore, CA 94551